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IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

|                           |   |                       |
|---------------------------|---|-----------------------|
| UNITED STATES OF AMERICA, | ) | CR. NO. S 04-408 DFL  |
|                           | ) |                       |
| Plaintiff,                | ) | MOTION AND ORDER      |
|                           | ) | DISMISSING INDICTMENT |
| v.                        | ) | WITHOUT PREJUDICE     |
|                           | ) |                       |
| JOSE de JESUS BUENROSTRO, | ) |                       |
|                           | ) |                       |
| Defendant.                | ) |                       |
|                           | ) |                       |

The United States of America, by and through its undersigned attorney, Matthew C. Stegman, Assistant United States Attorney, respectfully requests that this Court dismiss the above-captioned Indictment without prejudice against defendant JOSE de JESUS BUENROSTRO.

This motion is made on the grounds that Mr. Buenrosrto has a fatal heart condition. He has been release from custody pending trial, and has been ordered not to leave the Eastern and Northern Districts of California. Mr. Buenrostro's condition is extremely grave and he has now been enrolled in hospice care. According to his physician, he is not eligible for a heart transplant in the

1 United States, but may be eligible in Mexico.

2 This motion is made pursuant to the provisions of Rule 48(a) of  
3 the Federal Rules of Criminal Procedure.

4 DATED: \_\_\_\_\_

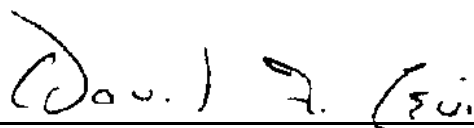
McGREGOR W. SCOTT  
United States Attorney

6 By /s/ Matthew C. Stegman  
MATTHEW C. STEGMAN  
7 Assistant U.S. Attorney

8  
9 O R D E R

10 GOOD CAUSE APPEARING, it is ordered that the above-captioned  
11 Indictment be and is hereby dismissed without prejudice against JOSE  
12 de JESUS BUENROSTRO.

13 DATED: 6/22/2005

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DAVID F. LEVI  
17 United States District Judge  
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